

Practically it would be as oppressive as the seizure of goods in the hands of innocent purchasers, when the importer had given security for the duties, which subsequently proved worthless.

I exceedingly regret that the Collector, after extending such kindness and courtesy in the administration of his office, should be subjected to the hazards of a loss, still it is less to be deprecated than the forfeiture of the goods of innocent purchasers at a public sale, when occasioned by the liberal administration of his office. Taking all the circumstances into consideration I am of opinion that the petitioners have not incurred a forfeiture, and are entitled to the possession of the property on the payment of the duties.

The Court, therefore, order a peremptory mandamus, directed to the Collector General of Customs to be issued.

Mr. Harris for the petitioners.  
Mr. A. B. Bates for the Collector of Customs.  
December 22d, 1859.

## THE POLYNESIAN.

SATURDAY, DECEMBER 31, 1859.

### By Authority.

It has pleased His Majesty the King to appoint Saturday, the 31st of December inst., as a day of Public Thanksgiving to Almighty God, for the many mercies bestowed upon this people; and all His loving subjects are hereby recommended to a due and proper observance of the same.

M. KEKUNAOKA.

His Majesty's Chamberlain.

CHAMBERLAIN'S OFFICE, 17th Dec., 1859.

We expected that our views on the liquor question would have awakened opinions different from ours, whether spread upon the pretentious pages of the *Advertiser*, or the more modest but equally one-sided *Friend*. We wrote for the English-speaking portion of the population whose education, whether from books or in the ruler school of practical experience, will, at some sensible moment of their lives, bring the conviction home to their minds that we are right in the position we have taken. We did not write for the Hawaiian-speaking majority of the population, whose ignorance of the English language—though not through their fault—prevents them from knowing all the facts in the case, and, consequently, the different deductions which such a knowledge necessitates. There are gentlemen however of foreign birth and education—to whom all the sources of knowledge on the subject are accessible—and who, to please themselves and to benefit the native, write to him in his own language, and yet promulgate such silly, untruthful and mischievous nonsense as the following in the *Hokuloa* for December:

"If the rum spreads over this country, the little good which remains to us will be nearly lost. This is something very bad—something to kill the people both body and soul. Great shame on us, if the foreigner should call our land a rum-loving country! Therefore let us rise like true men, and choose representatives who will oppose this evil."

Now, when we know that the object of such rhapsodies is to prevent the distillation of rum on the sugar plantations and the manufacture of okolehao under proper excise regulations; when we know further that such distortion of fact and sentiment is not a gauge of native knowledge, but of foreign prejudice—we are irresistibly reminded of the fate of the blind leading the blind. When we are told that in the very district, Koolauapo, where such editorial fantasies were penned; that in the very village and within a stone's throw of that very new church where the late revivals in Koolauapo had their center or greatest activity; that there okolehao, without the authority of a license or even the restriction of an excise, is retailed out by a reputed foreigner disguised as a darkey, to the tune of some two hundred and fifty bottles a day sometimes, at a dollar per bottle; when in that very same district there are two of the largest and most active distilleries of okolehao in full blast, braving the law and defying power of their activity; when this takes place almost under the very noses of the editors, and when we who live remote hear of these things, and know also the impotency of the present liquor laws to redress them, we cannot cease to admire the naive simplicity with which the editors of the *Hokuloa* ignore all this, and call upon the people to elect representatives who will oppose the only legal means open to us to take the sting out of this evil and to lessen its reproach, by enabling the manufacturer, under a proper excise, to find a legal market for export or consumption of his spirits, instead of his resorting to such an illicit and demoralizing traffic, of which that remarkable district of Koolauapo is represented as being the theater; by depriving stolen pleasures of their sweetness; by cheapening the article; and finally depriving the smuggler of that sympathy, connivance and profit which, through some perverted reasoning of the human mind, he invariably finds wherever the character of the laws are summary or prohibitory of anything the use or abuse of which is a question of political institutions and social habits and modes of thought.

"If the rum spreads over the country," says the *Hokuloa*, apparently unconscious that the tune and the language of the present laws are pitched so monstrously high, that the well disposed have no sympathy with them, and the evil disposed are creeping through beneath, without "let or hindrance."

When attempting to discuss politics to the native, why not give him the whole truth and both sides of a question?

On Sunday morning last the Russian Government steamer *Platon*, Capt. Masielkewich, arrived in 40 days from Hakodadi, Japan. We understand that two more Russian steamers will shortly arrive from Japan. The destination of all these vessels is said to be homeward, via Cape Horn.

The following is the list of officers of the *Platon*, for which we are indebted to Messrs. Hackfeld & Co., Captain—Masielkewich.

First Lieut.—Baron von Dusterlof.  
" " W. de Carstensen.  
" " F. Lill.  
" " E. Berdz.  
" " W. Lehman.  
" " N. Sedletzky.  
First Master—M. Ewokyimoff.  
Second Master—A. Kotchetoff.  
Doctor—A. Wulshieslaczoff.

Supreme Court—January Term.

We are requested to state that, owing to the election of Representatives to the next Legislature being held at the Court-House on Monday next, Jan. 2d, the attendance of the jurymen on the Supreme Court will not be required until Tuesday morning next, at the usual hour, nine o'clock.

## PAST WEEK.

### Happy New Year.

Very respected and very venerable public,—for however editors may change or be singled like moths at a candle, still the public remains as vigorous and as inquisitive in its green old age as ever it was in its innocent days, when Adam and Eve passed the compliments of the Season, and the apple went round with its fatal gift. Dear public, collect yourself a moment; throw your Christmas toys and your visiting cards aside, take off your slippers, uncover your head, for this night you will cross the threshold of the New Year and stand—the good God and your own conscience best know how you will stand it—within the portals of that mysterious future, on whose dimly lighted dome is inscribed your destiny; it may be in pink and green, it may be within a black border. We invited you last week to this meeting and, now that we have met, let us make good use of the moments. Let us look in upon ourselves; perhaps we did not do so last Sunday, perhaps we have not done so for months,—the longer the interval the greater the need,—and ask ourselves why judgment should not be passed upon us in the coming year for our sins and ingratitude during the past. Do we approach that Isis' veil, which none has lifted and none can rend, do we take out a new lease of earthly life and earthly happiness, with that chastened spirit and that humble trust, in which they should be approached and enjoyed? Have we succored the needy, have we righted the wronged; have we extinguished the flames of hatred; have we poured oil on the festering spirit,—have we forgiven as we hope to be forgiven?

We are not at all inquisitive, dear public, and we are not attempting a patent sermon; you have your secrets and we have ours; but the sooner you bestow a minute on a similar self-examination (if you have not done it already) the better will it be for your health, most decidedly, and the more at ease will you feel through the unknown passages of the coming year; for a light heart makes a light work, and he who keeps his own window glasses tolerably clean, is pretty sure of catching a streak of sunshine sometime when it is passing.

We hope there is none of our readers so terribly righteous, so spotlessly just, as to consider our advice as an impertinence, or himself as exempted from its application. If any such unfortunate there be, let us pray for him publicly: he may claim kindred with the spirits above, he may belong to the spirits below, but in humanity, with its woes and its hopes, he has neither "art nor part."

Now taking for granted that you have performed this necessary little preliminary with as good a grace as possible; that as a matter of change (if through no worthier motive) you have scrubbed and pipe-cleaned your own bandoleer, instead of criticising that of your neighbor,—that you have settled with your creditors—whether you did so through a sense of duty or to escape costs of court and lawyers' fees,—that you have forgiven your debtors, well,—the least said may perhaps be the soonest mended,—under that head, but we never knew but one man who did it, and he was "a publican and a sinner"—taking all this for granted, we salute you, dear public, and wish you the happiest of New Years and many returns of the day!

Some editors amuse their readers and gratify their own vanity by summing up, on occasions like this, the events of the past and predicting those of the coming year. If you have read the papers, you know what has transpired in the world; and if you have not, it is too late now to pore over the past when the present is claiming all your attention. And, as to what regards the future, we have implicit faith that God's providence will continue to watch over this country, its rulers and its people, and we are willing to leave soothsaying and divination, whether in political grounds or coffee-grounds, to the more congenial atmosphere of another journal.

We make no apology for obtruding our previous remarks upon the reader; for we look upon time, and a whole year full of time, as a most precious gift from God to man; and those who receive it should be worthy of it.

To-day, the closing day of the old year, has fitly been appointed by His Majesty as a day of Thanksgiving to Almighty God for his manifold blessings. Let us observe the behest, and gratefully acknowledge the hand that has led us safely through the labyrinth and pitfalls of the past to the very threshold of the new, and we may say it may prove

### A HAPPY NEW YEAR!

To whom it may concern.

By a gentleman lately returned from Kona, Hawaii, we learn that the new church and school-house erected at \_\_\_\_\_, on the borders of the North and South Kona districts, have been finished, that services have been held in the church to good and attentive audiences, but that the school is vacant through the difficulty of obtaining a teacher. There are a number of interesting children in that neighborhood, both native and half-caste, whose parents are anxious and willing to aid in the support of a teacher competent to keep an English school, but none can be had on account of the extravagant opinions about wages with which competent young men and women are entertaining themselves. We do think that among all the Missionary children there should be no want of material to fill the places which age and infirmities make vacant among their parents; nor want of that spirit with which these went to work to instruct the people, with the bare necessities of life as their wages, and faith in God to season them.

It is sad, it is sickening to reflect that the neglect and want of instruction now, may prepare a life-long crop of misery and sin in those young minds, whose errors and whose ruin must always in some degree be attributed to the indolence or exorbitance of those who could, and would not lend a helping hand.

We commend the subject to the Board of Education. We know it is bestirring itself just now in behalf of English schools, and hope it will ever take the liberal rather than the literal construction of its duties, should the two ever clash, whatever be the outcry raised by the opposition journal about the Government "prostituting its funds to sustain" (public schools and cheapen education?) "and thus take the bread from the hands of industry."

The funeral of J. W. P. Kinas.

Took place on Tuesday afternoon last from the residence of His Excellency the Governor of Oahu. The remains of the deceased Chief were escorted by a battalion of the Household Guards, and followed by Her Majesty the Queen, members of the Royal Family and of the King's Government, and one of the largest corteges of mourners that ever wound its sad way through the streets of Honolulu. The coffin was deposited in the Royal Cemetery, adjoining the Palace, where rest the ancestors and kindred of the deceased.

Port Street Church.

We understand that the above Association is prospering materially as well as spiritually. On Monday last the annual sale of pews took place, and brought in over \$3,000.

Thanks.

Messrs. McRuer & Merrill, of San Francisco, Capt. Simonton, of clipper ship *Daring*, and Mr. J. A. Daley, of Honolulu, will accept our thanks for late papers from San Francisco and the Atlantic States.

Postponement.

The sale of Furniture advertised to take place to-day at the residence of H. M. Whitney, Esq., is unavoidably postponed until further notice.

The grand vocal and instrumental concert (sacred and secular) given by Messrs. Hasselocher and Waldau, and in which they were assisted by the members of the "Amateur Musical Society of Honolulu," came off on Thursday evening, at the Fort Street Church. Notwithstanding the inclemency of the weather, the building was well filled, both floor and gallery; and the beating of the storm outside was a grand, though unexpected, accompaniment to "The Heavens are Telling"—from Haydn's sublime composition "Creation."

We cannot forego this opportunity to congratulate the Amateur Musical Society upon the acquisition they have made in Messrs. Hasselocher and Waldau, who, independent of their own high standing as musicians of no ordinary ability, deserve great credit for the care, assiduity and success with which they have labored to perfect and harmonize the musical elements of the society and imbued it with a spirit of progress which we hope will not soon wane.

We are not competent to give a detailed review of the concert, and, as we write for the many who can appreciate the harmony of sweet sounds although unable to call them by their particular or technical name, we will give the verdict of the many, and that is one of pleasure and gratification not often enjoyed. The chorus pieces were rendered with a precision and brilliancy that reflect the highest credit on the vocal attainments and severe training of the individual members of the Society. And among the solos there were many sweet pieces, and charmingly sung, but the gem of the evening was a serenade, solo soprano, music by Hasselocher and Waldau, sung by—well, reader, if you were there, you know, and if you were not, it is your loss, for you should have been, and we have no authority to publish names when ladies and gentlemen of independent position and refined tastes choose to admit the public to their parlour amusements for the purpose of aiding some benevolent object or worthy individual.

### A Christmas Party.

There are reunions to which memory clings with undiminished fondness and delight for years, or until the next supersedes the last of the same sort. We refer, of course, to the gathering of juveniles, with a respectable sprinkling of older heads, on Tuesday evening last, at the residence of Capt. G. H. Luce, Little Britain, Waikiki Plains. It was a Christmas Gathering and a Christmas Carol. It was an embodiment of "the good time coming," to which a child looks forward, through the weary vista of the year, with a hope and a patience that would become a saint and shame a mortal. To say that the children were perfectly delighted, does not express half of the enjoyment which they experienced. Grateful for all the kindness, cakes and fruits which passed around with Christmas prodigality, there was one transaction which the children will not forget for one whole year, if ever. We refer to the performance, on an extemporized stage, by Mr. R. as the Wizard and Mr. D. as his Familiar. Many of the tricks performed by Prof. Anderson were repeated with an *approbato* and success that brought the young audience to its feet with delight and astonishment. And the inexhaustible portfolio, which contained Christmas presents for every body, was the *ne plus ultra* of the Magician's powers and the children's vivid satisfaction.

It was a pleasant party, pleasantly spent, and after the children had retired, the grown-up guests enjoyed a *soiree danteuse* until a late hour.

### Supreme Court.

We are under obligation to the Clerk of the above Court for the following abstract of the criminal calendar, civil cases &c., which will claim the attention of the court and the jury at the session commencing on Tuesday next.

### CRIMINAL CALENDAR.

The King vs. Chas. S. Horton—manslaughter.  
The King vs. Mokuauia—burglary and larceny.  
The King vs. John Walsh—assault with dangerous weapon.  
The King vs. Ahio, Chinaman—Murder.  
The King vs. Apah (Chinaman)—Attempted arson.  
The King vs. Kila—burglary and larceny.  
The King vs. Alcheco and Abchuan (Chinamen)—murder.

### CIVIL CASES.

Kaopua and Nahu vs. John Li—Ejectment.  
Kaopua vs. John Li—Assault.  
Jos. Fallon vs. H. Robinson and J. S. Walker—Assumpsit.  
D. M. Weston vs. T. Metcalf—Assumpsit.  
Chas. W. Rand vs. Charlotte Coady—Assumpsit.  
P. Kana vs. J. Kana—Assumpsit.  
Hanuu vs. C. A. Williams, Mitchell and Green—Assumpsit.  
Kake vs. C. S. Horton—Damages.

### APPEALS, CIVIL.

John Meek and J. Holt vs. Kaupa et alia—Trespass.  
SITTINGS IN BANCO.

### L. Kamehameha vs. Kahookano et alia—Trespass.

Accident to the Clipper Ship "Black Sea."

This fine ship which had been detained about a week by southerly wind, having left port on the afternoon of the 30th, ran aground in the channel. The clipper ship *Daring* which had also been waiting for several days to proceed to sea, parted her moorings on the night previous, and obstructed the passage, but having with the aid of the steamer warped a little out of the channel, it was thought sufficient room was given for ships to pass her. The trade wind was blowing fresh at the time, and though the *Black Sea* was under easy sail, she would not readily obey her helm. On passing the *Daring*, she struck her stern slightly and ran over on to the left bank of the channel, grounding heavily. After an hour's exertion she was successfully hauled off as the tide was making, and if on inspection no damage was done to her bottom, she will depart to-day.

Lee's National Circus.

This pleasant resort of fun and amusement has continued to be filled nightly notwithstanding the severe weather of the past week. This evening the company perform, for the last time in Honolulu, previous to their departure for Tahiti and Valparaiso. It is the benefit of the Spanish Clown, Mr. Teofilo Manzo, a gentleman whose endeavors to please the public will liberally recognize.

Port Street Church.

We understand that the above Association is prospering materially as well as spiritually. On Monday last the annual sale of pews took place, and brought in over \$3,000.

Thanks.

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Mistakes in Percentage.

We published last week a paragraph with this heading, which we clipped from the Boston *Commercial Bulletin* of a late date. In the same journal, received last week, we find the following remarks, taken from the Albany *Natsonian*, which, in copying the paragraph alluded to, says that, "there are some merchants that make queer work of reckoning percentage, but we believe they seldom err against themselves" and tells the following story by illustration of this remark:

"We know a country merchant from the northern part of this State, who had for several years bought goods of a firm in New York, always paying his bills promptly, and never asking for any favors. One day a member of the city firm, taking advantage of a little leisure, thought he would post himself on the business, habits, etc., of his customer. He was answered very promptly by the countryman, that he had started with a thousand dollars capital—had no income but from his store, and a family of five to feed, clothe, etc. 'Of course you make good profits?' half queried the city man. 'Oh, yes, I always make one per cent,' was the answer. City man made a mental calculation of one per cent. on the capital, turning it three times a year, but couldn't figure up enough to balance what he thought must be the current expenses. 'One per cent.' he exclaimed, 'why you can't pay freight out of that!' 'But I do, though, and make a good living, and money to boot,' was the astonishing rejoinder, made with an air of earnestness that left no doubt. City merchant made another mental calculation, but was no nearer being satisfied, and probably would have went on casting up to this day, had not his customer explained that by the one per cent. he meant selling at \$2 what he paid \$1 for."

Passengers for the Guano Islands.

A. Mitchell, Esq., of the firm of C. A. Williams & Co., and Dr. R. H. Drysdale, Chemist, sailed yesterday in the *Agate*, and will take a tour among the different islands claimed by the Phoenix Island Guano Company. Mr. E. C. Pope, late Purser of the *Yankee*, also accompanies them, and it is intended that he shall remain there in charge of one of the principal islands, as Governor.

Who wouldn't have one!

We were pleased to see on sale, at Messrs. von Holt & Heuck's store, a series of landscape paintings, in Indian ink and in water colors, of many a charming and well-known spot on these islands. They are by the hand of Mr. P. Emmert and are bijoux of art in his happiest manner. Who, residing here, would not procure one or more?

FOREIGN NEWS.

By the arrival of the clipper ship *Daring*, Capt. Simonton, on Saturday last, in 16 days from San Francisco, we have received the regular Atlantic Mail of Nov. 5, of which we received a few papers in advance by the *Frances Palmer*. Our California dates are to December 8th, and contain the intelligence brought by the "Overland Mail" to Nov. 14, from St. Louis, and Oct. 27 from Liverpool.

The *Milwaukee* arrived at San Francisco on the 7th December, in 28 days, hence.

The *Comet*, Capt. J. Smith, would leave about the 15th inst., and is looked for daily with the New York Mails of the 20th Nov.

The news is very little, and less important.

UNITED STATES.

THE HARPER'S FERRY PRISONERS.—The Harper's Ferry trials were over, and the excitement through the country had pretty much subsided.

The Secretary of War has issued orders to Capt. Ricketts, at Baton Rouge, to march immediately, with his artillery company, to Brownsville, Texas, to punish the Mexican outlaws under Cortinas.

The Republicans have carried New York and Massachusetts. They have elected their Governor and a majority in one branch of the Legislature in New Jersey; and have gained, as far as heard from in Wisconsin.

Two sermons were preached in New York on the John Brown rebellion—one by Dr. Cheever, of the Church of the Puritans, the other by the Rev. H. H. Blair, of the Associated Presbyterian Church. The remarks of the first named divine were couched in his usual style of bitter invective against slavery and a slavery ridden church and closed with the declaration, that if "the men of peace will not apply God's law against the sin of slave holding, in the shape of argument and earnest truth, the men of war will put it in the shape of bullets, and fight it out."

Mr. Blair was more quiet in his language, but none the less severe in his denunciation of the Kansas proslavery outlaws, who made John Brown what he is, and finally led to the Harper's Ferry outrage. He drew a parallel between Moses and John Brown, contending that Brown had been to the negro race what Moses was to the Israelites.

CIVIL SUIT FOR CURETLY ON THE HIGH SEAS.—Andrews Foga commenced a suit in the Federal District Court yesterday afternoon against George A. Smith, Captain of the whale ship *Fabius*. He charges that in May last, on the high seas, he was assaulted by Captain Smith, choked and beaten with the fists. He further charges that the captain ordered and caused him to be seized, stripped, lashed to the rigging of the ship and beaten with a rope end on various parts of the naked body; and he further alleges that the strokes and blows were so severe as to make him sick and lame. He claims \$5,000 damages. It will be recollected that the plaintiff in this case is one of the crew of the *Fabius*, who are under bonds in the U. S. Circuit Court for mutiny.

RECAPTURE.—Whalers' sales \$4,500 at 1 per cent. premium; on San Francisco per \$4 premium.

Proposals will be received at the U. S. Consulate up to 2 o'clock P. M. of to-morrow (31st) for its bills on the U. S. Government.

CUSTOM HOUSE VALUATION OF FOREIGN COINS FOR DUTIES.—The following correspondence has recently passed between His Ex. the Minister of Finance and the Collector General of Customs on this subject, and it will be seen that the reply of the Minister supports the ground taken by the Collector General and his journal in its last issue, and for once the *Advertiser* is wrong in its opinion advanced that the position taken by the Collector was untenable.

COLLECTOR GENERAL'S OFFICE, 12th Dec., 1859.

HIS EX. D. L. GREGG, Minister of Finance.

SIR.—The question has arisen this morning at this office, whether the rates prescribed by the Customs Act of 1846, for foreign coins, shall also be the rate at which currencies in sterling or French currency shall be reduced to federal. The rate of exchanging sterling to federal money established by Custom and approved by the Finance Department hitherto has been \$16 to the £1—\$4 to the franc. This rate seems to me as far more equitable than the one now claimed.

Referring to my letter of July 11th, I have the honor to acknowledge the instructions in regard to exchanging sterling, French and German currencies to our standard, and remain, Sir, your obedient servant,

W. GOODALE, Esq., Collector General of Customs, etc., etc.

DEPARTMENT OF FINANCE, 12th Dec., 1859.

SIR.—After as full a consideration as was practicable of the subject presented in your letter of the 16th inst., I am unable to perceive any reason for innovation upon the existing rates of Custom House exchange.

The law, as it now stands, prescribes an *ad valorem* impost of five per cent. on merchandise.

This rate of duty the Government is absolutely entitled to receive upon every invoice entered at the Custom House. An invoice in sterling, francs, or marcos having, must therefore pay in our ports, five per cent. on its exchangeable value.

In other words, the currency of the Custom House, should be the currency of exchange, based on the legal standard of the country, which is the American dollar.

The value affixed by Treasury orders to specific foreign coins, does not affect this principle. It is the duty of the Treasury to the Government to specify the rates at which it will receive the coins of other countries in its own internal transactions, it does not follow that exchanges in the payment of duties are to be governed by the same rule.

Such exchanges should be so regulated as to secure the uniformity of reform duty imposed by law. This must be accomplished by some definite rule of exchange—such as now exists or else by a regulation that nothing but the standard coin of the country can be received in payment of duties.

Very respectfully yours,

D. L. GREGG.

FOREIGN OIL MARKETS.

New Bedford, Nov. 1.—Sperm.—The demand noticed in our last continued through the early part of the week, and sales to the extent of 4000 bbls were made in this market. We quote at 125 to 130 cents per barrel, and 100 to 110 cents per barrel for export, and to the trade 40 bbls at 135 cents; 50 bbl at 137 cents; 80 bbl at 140 cents; and 100 bbl at 142 cents. The market seems to have been supplied for the present, and the market closes without further inquiry. Stock on hand in the Country Oct. 31st, 1859, 17,000.

Also 40 bbls Head Matter at 145 cents. The demand seems to have been supplied for the present, and the market closes without further inquiry. Stock on hand in the Country Oct. 31st, 1859, 17,000.

New York, Oct. 30.—Whalebone.—With light receipts, and a good export demand, the stock is steadily diminishing and the market remains firm; a considerable portion of the supply continues to be from the coast of the United States.

## CALENDAR. 1860.

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New...20 05 14 51 A.M.	Nov.—	New...12 02 04 21 P.M.
Full...3 06 14 15 A.M.		Full...28 01 06 09 A.M.
New...18 06 52 03 P.M.	Dec.—	New...12 02 16 21 A.M.
		Full...27 04 45 45 P.M.

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**LATEST FOREIGN DATES.**